

★ MAR 3 2020 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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**J & J SPORTS PRODUCTIONS, INC.,**

Plaintiff,

- against -

**PETER S. SHAW individual and d/b/a  
BROOKLYN VIBES BAR & LOUNGE;  
CADNACE S. SHAW, individually and d/b/a  
BROOKLYN VIBES BAR & LOUNGE; and  
BROOKLYN VIBES INCORPORATED, an  
unknown business entity, d/b/a BROOKLYN  
VIBES BAR & LOUNGE,**

Defendants.  
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**BROOKLYN OFFICE**

**MEMORANDUM DECISION  
AND ORDER**

: 19-CV-2383 (AMD) (ST)

**ANN M. DONNELLY**, United States District Judge:

On April 24, 2019, the plaintiff brought this action against the defendants pursuant to the Communications Act of 1934, 47 U.S.C. 605, *et seq.*, and the Cable & Television Consumer Protection and Competition Act of 1992, 47 U.S.C. 553, *et seq.* (ECF No. 1.) On August 2, 2019, the plaintiff moved for default judgment. (ECF No. 11.)

Magistrate Judge Steven Tiscione issued a report and recommendation on February 12, 2020, in which he recommends that the plaintiff's motion be granted against the defendant business, Brooklyn Vibes, but denied against the individual defendants. (ECF No. 12 at 12.) Judge Tiscione also recommends that the plaintiff be awarded damages in the amount of \$4,400—\$2,200 in statutory damages and \$2,200 in enhanced damages—and that it be awarded post-judgment interest at the federal statutory rate, but not pre-judgment interest. (*Id.*) He also recommends that the plaintiff be permitted to file a motion for costs and attorneys' fees no later

than 30 days after the entry of this order. (*Id.*) No party has filed objections to Judge Tiscione's report and recommendation.

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). To accept those portions of the report and recommendation to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." *Jarvis v. N. Am. Globex Fund L.P.*, 823 F.Supp.2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks omitted).

I have reviewed Judge Tiscione's well-reasoned report and recommendation and find no error. Accordingly, I adopt the report and recommendation. The plaintiff's motion for default judgment is granted against the defendant business but denied against the individual defendants. The plaintiff is awarded a total of \$4,400 in damages as well as post-judgment interest. The case is stayed for 30 days to permit the plaintiff to file a motion for costs and attorneys' fees.

**SO ORDERED.**

s/Ann M. Donnelly

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Ann M. Donnelly  
United States District Judge

Dated: Brooklyn, New York  
March 2, 2020